

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SACHIN SHAH, :
: Plaintiff, : No. 1:13-cv-02975-LGS-SN
-against- :
: DECLARATION OF LESTER L. LEVY, SR.,
LESTER L. LEVY, : SUBMITTED IN SUPPORT OF
: DEFENDANT'S MOTION FOR SUMMARY
Defendant. : JUDGMENT
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LESTER L. LEVY, SR., declares that:

1. I am a member of the Bar of this Court and a member of Wolf Popper LLP, co-counsel for Defendant. I submit this declaration in support of Defendant's Motion for Summary Judgment.
2. Exhibit A consists of documents written by Plaintiff (00103P-104P; 00100-101P (Ex. 43); 009P (Ex. 49)) while he was employed at ICAP, complaining about his co-workers.
3. Exhibit B are pages 18-25, 35-53, 66-69, 74-77 of Plaintiff's deposition transcript discussing his accusations against his co-workers at ICAP, and pages 94-105 discussing his contacting the FBI accusing his co-workers of criminal activity.
4. Exhibit C consists of the recommendation of Plaintiff's supervisor at ICAP (former defendant Justin Lumiere) that Plaintiff be terminated (ICAP00148-151), and a copy of the letter notifying Plaintiff that his employment contract at ICAP would not be renewed, that he need not report to work, but that he would be paid till the end of his contract (ICAP00152).
5. Exhibit D are pages 8-13 of Plaintiff's deposition transcript setting out Plaintiff's employment history, and a copy of Plaintiff's Broker Check Report (Ex. 4) showing, *inter alia*, Plaintiff's employment history at page 7.

6. Exhibit E is the employment contract between Tullett Prebon (“Tullett”) and Plaintiff (without the attached “Terms and Conditions”) (TP000059-63) (Ex. 26), Tullett’s Summary of the Contract Terms (TP000058) (Ex. 27), and pages 38-42 of Mr. Bovitz’s deposition transcript testifying about Tullett’s contract with Plaintiff.

7. Exhibit F are emails received by Tom Bovitz of Tullett, dating from July 21, 2011 to November 19, 2012 (TP000669 (Ex. 25); TP000206; TP000671-672 (Ex. 30); TP000674 (Ex. 31); TP000690 (Ex. 32)), and pages 52-57 of Mr. Bovitz’s deposition transcript testifying about his view of the emails.

8. Exhibit G are pages 62-65, 82-85 and 66-73 of Mr. Bovitz’s deposition transcript discussing the reason Tullett fired Plaintiff, the termination letter (TP000037) (Ex. 37), and the Form U-5 filed by Tullett upon the termination of Plaintiff’s employment (Cuttone 000092-97) (Ex. 6).

9. Exhibit H consists of Plaintiff’s employment application to Cuttome & Co. (“Cuttome”) (Cuttome 000221-223) (Ex. 58), a memo written by Plaintiff to John Rosen as to his conversation with Joseph Cuttome wherein Plaintiff is given the reason for his termination from Cuttome (00035P), the Form U-5 filed by Cuttome (Ex. 7), the letter from Kelley Drye & Warren to FINRA (Cuttome 000231-233) confirming the reason for Plaintiff’s termination, and pages 202-205 of the deposition transcript of Plaintiff wherein he admits the accuracy and completeness of the Cuttome Form U-5 (p. 202 – lines 2-14).

10. Exhibit I is the Form U-4 (Cuttome 000010-18) signed by Plaintiff under oath.

11. Exhibit J are pages 93, 74-77, and 56 of the deposition transcript of Anthony Katsingris of Albert Fried & Co. discussing Plaintiff’s (i) reputation and (ii) that Plaintiff was hired with knowledge of the emails; and pages 203-05 of Plaintiff’s deposition transcript discussing that he has no evidence emails were sent to clients or media.

12. Exhibit K is a compilation derived from Bloomberg searches of Plaintiff's more than 300 media appearances since July 2011.

13. Exhibit L is a copy of Plaintiff's Exam information results (TP000198) (Ex. 23) showing the official exam results of Plaintiff's Series 7, 63, 86 and 87, and pages 170 -173 of Plaintiff's deposition transcript discussing the results of Plaintiff's Level 3 examinations.

14. Exhibit M is a copy of the declaration of Sarita Rastogi, a doctor who treated Plaintiff, explaining the treatment rendered to Plaintiff, and pages 226-32 of Plaintiff's deposition transcript discussing the causes of his stress.

I declare the foregoing to be true under penalty of perjury.

Dated: March 24, 2016



Lester L. Levy, Sr.